

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6152 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R. TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
2. To be referred to the Reporter or not? : YES
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

ASHWINKUMAR D SONEJI

Versus

STATE OF GUJARAT

Appearance:

MRS JASHUBEN R MODI for Petitioner
Mr.K.P. Raval, ASST GOVERNMENT PLEADER for
Respondent No. 1
NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE RAVI R. TRIPATHI

Date of decision: 01/12/2000

ORAL JUDGEMENT

The matter was filed on 24.7.1991. This Court passed an order on 14.2.1992 issuing rule. Mr.K.P. Raval, learned Assistant Govt. Pleader submits that the office of the Govt. Pleader received instructions to

appear in the matter on 20.7.1992 and thereafter they filed their appearance. Simultaneously they also asked for parawise instructions. It is his case that they have not received any parawise instructions. Therefore, no reply could be filed in the matter. Learned advocate for the petitioner is also not present. Only with a view to accommodate her, last time on 24.11.2000, the matter was adjourned.

2. The present petition is filed by the petitioner, who is serving at LD Engineering College as an electrician. It is his case that his pay scale was Rs.350- 560 as mentioned in the Officer Order No. EST/ Bharti/ 9211 dated 23.8.1982, by which he was appointed. The grievance of the petitioner is that in so many other Engineering colleges, polytechnic and Govt. aided polytechnics in the State of Gujarat, incumbents similarly placed are working under direct control of respondent no.2, i.e. Director of Technical Education. The prayer of the petitioner is that a declaration be given that the petitioner is entitled to pay scale of Rs.1350- 2200/-, with effect from 13.10.1982.

3. I have perused the memo of petition and also the annexures thereto. Annexure 'D' is a letter written by Section Officer, Education Department to the President, Gujarat State Technical Education Class III Government Employees Association, wherein it is mentioned that on 12.12.1988 there was a meeting wherein Director of Technical Education, Deputy Secretary and Secretary of Education Department were present and on the question of pay anomaly, at the end of detailed discussions a decision was taken that the Secretary and Director will make appropriate proposals to the Pay Anomaly Committee with their remarks.

4. The petitioner has also produced a copy of the judgement dated 23.8.1988 of this Court (Coram : R.C. Mankad, J.) in Special Civil Application No.5093 of 1985 and allied matters. On perusal of the said judgement it is found that the same has no application to the facts of the present case as in that group of petitions, the petitioners were not given the benefit of revised pay scale under Second Pay Commission's recommendations, while other colleagues from the very same college holding equivalent posts were given said benefit. Therefore, the Court issued necessary directions while allowing the petition. In the present case I do not find any material on the basis of which any relief can be granted to the petitioner.

5. The petition is rejected. Rule is discharged.
No order as to costs.

1st December 2000 (Ravi R. Tripathi, J.)

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